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WESTERN STATE-MAKING IN THE REVOLUTIONARY ERA

I

THE term "West" in American history is not limited to a single area. At first the Atlantic coast was the West,—the West of Europe; then the lands between tide-water and the Alleghanies became the West. In the second half of the eighteenth century the territory between these mountains and the Mississippi was occupied, and became the West of the Revolutionary era. In consequence of this steady march of the West across the continent, the term represents not only different areas, it stands also for a stage in American development. Whatever region was most recently reclaimed from the wilderness, was most characteristically Western. In other words, the distinctive thing about the West is its relation to free lands; and it is the influence of her free lands that has determined the larger lines of American development.

The country exhibits three phases of growth. First came the period of the application of European men, institutions, and ideas to the tide-water area of America. In this period of colonization, English traits and institutions preponderated, though modified by the new American conditions. But the constant touch of this part of the country with the Old World prevented the modifying influences of the new environment from having their full effect, and the coast area seemed likely to produce institutions and men that were but modified shoots from the parent tree. Even the physical features of the colonial Americans are described by travellers in colonial days as English: the ruddy complexions, without delicacy of features or play of expression, the lack of nervous energy. The second phase of our growth begins with the spread of this colonial society towards the mountains; the crossing of the Alleghanies, and the settlement upon the Western Waters. Here the wilderness had opportunity to modify men already partly dispossessed of their Old World traits. In adjustment of themselves to completely new conditions, the settlers underwent a process of Americanization, and as each new advance occurred, the process was repeated with modifications. In this reaction between the West and the East, American society took on its peculiar features. We are now in the third phase of our develop-

ment : the free lands are gone, and with conditions comparable to those of Europe, we have to reshape the ideals and institutions fashioned in the age of wilderness-winning to the new conditions of an occupied country.

Not only is our own development best understood in connection with the occupation of the West ; it is the fact of unoccupied territory in America that sets the evolution of American and European institutions in contrast. In the Old World, such institutions were gradually evolved in relation to successive stages of social development, or they were the outcome of a struggle for existence by the older forms against the newer creations of the statesman, or against the institutions of rival peoples. There was in the Old World no virgin soil on which political gardeners might experiment with new varieties. This America furnished at each successive area of Western advance. Men who had lived under developed institutions were transplanted into the wilderness with the opportunity and the necessity of adapting their old institutions to their new environment, or of creating new ones capable of meeting the changed conditions.¹

It is this that makes the study of Western state-making in the Revolutionary period of peculiar interest. In the colonial era the task of forming governments *in vacuis locis* fell to Europeans, in the Revolution the task was undertaken by Americans on a new frontier. The question at once arises, How would they go about this, and on what principles? Would they strike boldly out regardless of inherited institutions? Would the work be done by the general government; by the separate states that claimed the jurisdiction of these unoccupied lands; or by the settlers themselves? To collect the principal instances of attempts at the formation of states in the West in this era, and briefly to consider the relations of the movement as a whole, is the purpose of this paper. An attempt will be made to interpret the movement from the point of view of the backwoodsmen.

Three types of colonial government are usually mentioned as having flourished on the Atlantic coast : the charter colonies, outgrowths of the trading company organization; the proprietary, modelled on the English palatinate; and the provincial colonies, which, having been established under one of the forms just mentioned, were taken under the government of the crown, and obliged to seek the constitutional law of their organization in the instructions and commissions given to the royal governor. In all

¹ "The Significance of the Frontier in American History," *Report of the American Historical Association*, 1893, 9. 199.

these types the transformations due to the American conditions were profound. Colonial political growth was not achieved by imitating English forms, but by reshaping English institutions, bit by bit, as occasion required, to American needs. The product had many of the features of an original creation. But in one type of colonial organizations, which has usually been left out of the classification, the influence of the wilderness conditions was especially plain. The Plymouth compact is the earliest and best known example of the organization of a colony by a social compact, but it is by no means exceptional.¹ In Rhode Island, Connecticut, New Haven, New Hampshire, and elsewhere, the Puritan settlers, finding themselves without legal rights on vacant lands, signed compacts of government, or plantation covenants, suggested no doubt by their church governments, agreeing to submit to the common will. We shall have to recur to this important type of organization later on in our study.

When the tide-water colonial organization had been perfected and lands taken up, population flowed into the region beyond the "fall line," and here again vacant lands continued to influence the form of American institutions. They brought about expansion, which, in itself, meant a transformation of old institutions; they broke down social distinctions in the West, and by causing economic equality, they promoted political equality and democracy. Offering the freedom of the unexploited wilderness, they promoted individualism. One of the most important results of the rush of population into these vacant lands, in the first half of the eighteenth century, was the settlement of non-English stocks in the West. All along the frontier the Palatine Germans (Pennsylvania Dutch) and the Scotch-Irish Presbyterians ascended the rivers that flowed into the Atlantic, and followed the southward trend of the valleys between the Blue Ridge and the Alleghanies. These pioneers were of different type from the planters of the South, or the merchants and seamen of the New England coast. The

¹ The covenant of the settlers of Exeter, New Hampshire, in 1639, is typical. "Wee, his [Charles I] loyall subjects bretheren of the church of Exeter, situate and lying upon the river of Piscataquacke, with other inhabitants there considering with ourselves the holy will of god and our owne necessity, that wee should not live without wholesome laws & government amongst us, of wch we are altogether destitute doe in the name of Christ & in the sight of god, combine ourselves together to erect and set up amongst us such government as shall be to our best discerning agreeable to the will of god, professing ourselves subject to our sovereign Lord King Charles, according to the liberties of our English colony of the Massachusetts," etc. *N. H. Provincial Papers*, I. 132. Compare Osgood, in *Political Science Quarterly*, March, 1891; Borgeaud, *Rise of Modern Democracy*; J. Adams, *Works*, IV. 110; Jefferson, *Works*, VII. 467; Wells, *Samuel Adams*, I. 429.

Scotch-Irish element was ascendent, and this contentious, self-reliant, hardy, backwoods stock, with its rude and vigorous forest life, gave the tone to Western thought in the Revolutionary era. A log hut, a little clearing, edged by the primeval forest, with the palisaded fort near by,—this was the type of home they made. As they pushed the frontier on, they held their lands at the price of their blood shed in incessant struggles with the Indians. Descendants of men who had fought James II., they were the heirs of the political philosophy of Knox and Andrew Melville. Their preachers, with rifle at the pulpit's edge, preached not only the theology of Calvin, but the gospel of the freedom of the individual, and the compact theory of the state. They constituted a new order of Americans. From the social conditions thus created came Patrick Henry, and at a later time, Andrew Jackson, Calhoun, and Abraham Lincoln. These social conditions gave us the heroes of border warfare, and the men who, in the Revolutionary times, demanded independent statehood for their settlements.

By the middle of the eighteenth century it had become evident that the engrossing of the eastern lands would induce the rising tide of population to flow across the Alleghanies. As the Old World had produced the tide-water area with its modified English institutions, so the thirteen colonies were now to produce states on the Western Waters, and a political life still more transformed. A multitude of propositions for great land companies, and for new colonial governments in the trans-Alleghany lands, showed a consciousness that the advance was at hand. Fearful of arousing the Indians, and apprehensive that the advance of settlements would withdraw the colonists beyond the reach of British government and trade, the king issued a proclamation in 1763, forbidding the granting of lands or the making of settlements beyond the sources of the rivers that fall into the Atlantic. But neither crown officers nor colonists acted on the theory that settlement was to be permanently excluded. In 1768, at the treaty of Fort Stanwix, the Six Nations ceded to the crown whatever title they had to lands between the Ohio and the Tennessee. At the same time they conveyed to Baynton, Wharton, and Morgan, a firm that traded with the Indians around Pittsburgh and in the Illinois country, a tract comprising about one-fourth of the State of West Virginia, as now constituted. This tract lay between the Little Kanawha and the Monongahela, and was named Indiana. On the basis of this grant a more extensive and ambitious company was formed, which absorbed the Indiana company and the former Ohio company and included such men as Franklin in its list of members.

After a persistent effort it gained from the Lords Commissioners of Trade and Plantations a report in 1773, recommending the grant of an immense tract, comprising nearly the present state of West Virginia together with that part of Kentucky east of a line from the Scioto to Cumberland Gap.¹

All of this area was to be erected into a new colony and to bear the name of Vandalia. It was reported in the American newspapers that the seat of the government was to be at the mouth of the Great Kanawha, and that Mr. Wharton, of Philadelphia, was to be the first governor. Although all of the process of transfer, excepting a few formalities, had been effected, the outbreak of the American Revolution put a stop to the grant. The company soon appealed to Congress, urging that body to assert its right to the crown lands as the property of the whole Union, and to confirm the Vandalia grant. The intrigues of this company had a marked effect on the actions of Congress, and of the Western settlers; and its career is also interesting as illustrating the English policy. At the time when settlement was beginning to cross the Alleghanies, and on the eve of American independence, England had announced her intention to govern the West through great proprietary companies, headed by wealthy or influential men in that country and America.

The treaty of Fort Stanwix had an additional effect in the impetus it gave to the advance of the frontiersmen by affording them a right to enter these Indian lands. The pioneers had their own ideas of liberty and of government, and were not to have their political destiny shaped without a part in the movement. Already they had reached the mountain wall that separated East and West. Before them lay the "Western Waters." From the mountains the backwoodsman, looking to the East, could see, through the forbidding mountain masses, the broken chasms along which flowed the sources of the far-stretching rivers, on whose lower courses the tide-water planters dwelt. Turning away from the rented lands of the old provinces, he saw other rivers cutting their way to the West to join the Mississippi. These river systems constituted four natural areas.

i. The New River, rising in North Carolina near the head springs of rivers that flowed to the Atlantic, tore a defiant course through the Blue Ridge and the Alleghanies to join the Great Kanawha in West Virginia. Another tributary of the Great Kanawha, the Greenbrier, rising near the sources of the Mononga-

¹ See map accompanying this paper. The boundaries are described in Franklin, *Works*, X. 348, 349.

NEW STATES Projected in the West,

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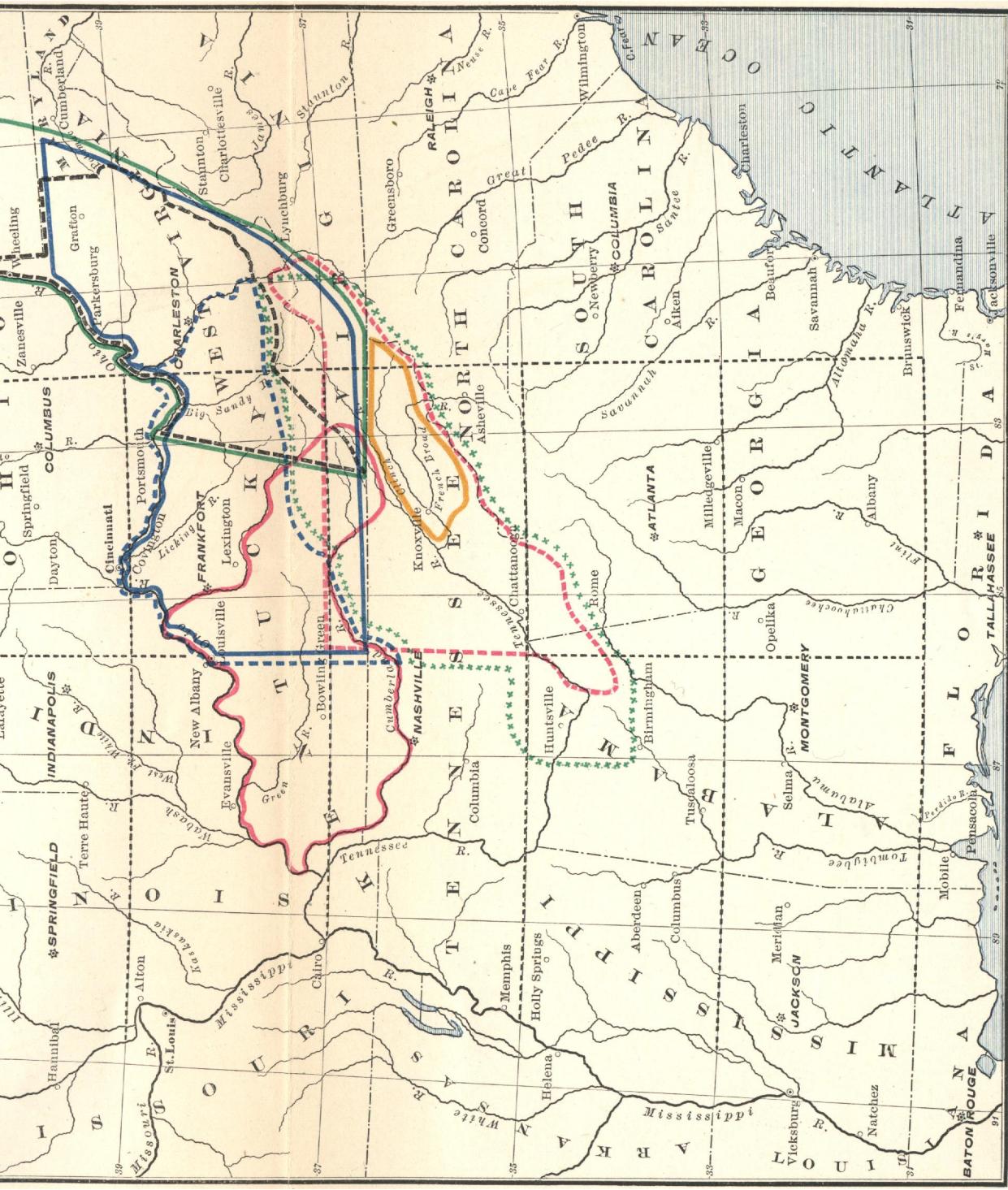
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hela, skirted the western edge of the Alleghanies in its southward flow. Here on the upper waters of the Ohio, was the physiographic basis for a state, a natural unit, rudely cut by the Pennsylvania boundary line, and apportioned between that state and Virginia, in spite of the veto of the Alleghanies.

2. Near to the springs of the New River were the many streams that flowed between the ridges of the Cumberland Mountains and the Alleghanies to join the Tennessee. These affluents of the Tennessee,—Powell's River, the Clinch, the Holston, the French Broad, the Nolichucky, and the Watauga, walled in to east and west by mountains, made another natural unit. Here Virginia's southern line ran right across these river courses, and left the settlements at the head of the Holston in Virginia, while their neighbors lower on the river were under the jurisdiction of North Carolina; and between these settlements and the parent States ran the Alleghany wall. It would be strange if these physiographic facts did not produce their natural result.

3. Passing through Cumberland Gap at Virginia's southwest corner, the pioneer reached another area of Virginia's back lands, the greenswards of Kentucky. This land was bounded on the north by the Ohio, while to the south was the Cumberland, forming a natural boundary, but severed for the most part from the political bounds of the region by the same unreasonable Virginia line that had cut in two the settlements on the Tennessee. These Kentucky fields constituted another natural economic area.

4. Across the Ohio lay the wide Northwest, between the Mississippi and the Great Lakes, its ownership in dispute between Virginia, Massachusetts, and Connecticut, under their charter bounds, and New York, through her protectorate over the Six Nations.

As the pioneer on his mountain height looked eastward and westward, the conviction was forced upon him that he had come to the parting of ways. Not long could he be held by the political reins of the Atlantic coast; even England had recognized and feared this. But not only did these "Western Waters," as the pioneer called them, reveal the separation of East from West, they insured the unity of the "Western World," to use another of his phrases. The waters of the West Virginia region interlocked with the waters of eastern Tennessee; on the borders of the same settlements, Cumberland Gap opened like a door to Kentucky; and all these winding rivers poured their flood into the Mississippi, the indispensable highway of commerce for the Western lands.

Hardly was the treaty of Fort Stanwix made, when Daniel Boone was on his way from his cabin on the Yadkin, "in quest of

the country of Kentucke," and James Robertson with his neighbors from North Carolina was settling on the Watauga, in what is now eastern Tennessee. Although the Watauga settlement was within the limits of North Carolina's western claims, that colony had not given civil organization to the region. Thus the settlers were in the position of the Pilgrim Fathers, or the settlers at Exeter,¹ without formal laws or political institutions. Haywood² is authority for the statement that in 1772 the Watauga pioneers formed a written association and articles for their conduct; they appointed five commissioners, a majority of whom was to decide all matters of controversy and to govern and direct for the common good in other respects. Robertson and many of the settlers were from that part of the interior of the Carolinas where the backwoodsmen had found it necessary to "associate" in written agreements for the purpose of "regulating" the horse thieves by summary methods in the absence of efficient courts, or of resisting the fees of colonial officers when they deemed them illegal or extortionate. These Regulators flourished from 1764 to the time of the settlement on the Watauga.³ Robertson was also familiar with Husband's Relation⁴ (1770) which justified these associations, and his friends and neighbors were at the battle of the Alamance in 1771. It is not unreasonable to conclude that the suggestion of the Watauga Association may have been due to the Regulating Associations. But the expedient was a natural one to Scotch-Irishmen, brought up on Presbyterian political philosophy; and it was a common mode of organization at the outbreak of the Revolution.⁵ The Watauga settlers petitioned the Provincial Council of North Carolina, in 1776, to extend its government to their community. They had supposed their settlements to lie within the limits of Virginia, and their lands to have been purchased from the Indians by that state, and, therefore, to be open to settlers by pre-emption. But, finding their lands south of the line, in unorganized territory

¹ Cf. p. 72, ante.

² Haywood, *Tennessee*, 41 (1823).

³ On the Regulators' associations, see Ramsay, *South Carolina*, I. 210, 211; *Colonial Records of North Carolina*, VII., *passim*; Wheeler, *North Carolina*, II. 301, *et passim*; Moore, *North Carolina*, I.

⁴ Putnam, *Middle Tennessee*, 19.

⁵ For example, Pendleton District, west of Fincastle County, Virginia, informed the Virginia convention that they had "formed themselves into a Society." The system of county associations and the Association of the Congress of 1774 are well known examples of this Revolutionary expedient. In 1779 settlers at Boonesboro', "for their own and the public good," entered into an association for making rules regarding the raising of a crop of corn. The text is in the Louisville *News Letter*, July 18, 1840 (Draper Colls.).

belonging to North Carolina, they leased and then purchased them from the Indians. In regard to government their petition¹ declares :—

Finding ourselves of the Frontiers, and being apprehensive that for want of a proper legislature, we might become a shelter for such as endeavored to defraud their creditors ; considering also the necessity of recording Deeds, Wills, and doing other public business ; we by consent of the people formed a court for the purposes above mentioned, taking (by desire of our constituents) the Virginia laws for our guide, so near as the situation of affairs would admit ; this was intended for ourselves, and was done by the consent of every individual ; but wherever we had to deal with people out of our district, we have ruled them to bail to abide by our determinations (which was in fact leaving the matter to reference,) otherwise we dismissed their suit, lest we should in any way intrude on the legislature of the colonies.

Their desire not to be regarded as a "lawless mob," and their petition for annexation to North Carolina, resulted in that state's receiving their representatives in 1776, and in the organization of the settlement as Washington County, in the following year. On the whole, the Association appears to have been a temporary expedient, pending the organization of North Carolina's county government, and comparable to the Western "claim associations" of later times.² The same type of government is to be seen in the Cumberland Association. In 1780 James Robertson led an exodus from Watauga to Nashborough at the bend of the Cumberland, and in the spring of that year delegates chosen by the people at the different forts, or stations, assembled and made a compact. Its features resembled those of Watauga ; the articles related largely to the mode of regulating disputes in regard to land, and the government was looked upon as temporary.³ After three years the Cumberland pioneers were organized as Davidson County of North Carolina. The continuity of the old government and the new is indicated by the fact that the four justices of the new court had all been "judges, or triers" of the former Association.⁴ As showing how readily the backwoodsmen seized upon the idea of a

¹ Ramsey, *Annals of Tennessee*, 134. The petition was signed by one hundred inhabitants of "Washington District."

² See Macy, *Institutional Beginnings of a Western State*, and Shambaugh, *Claim Association of Johnson County, Iowa*, Iowa City, 1894. Bancroft, *Popular Tribunals*, and Shinn, *Mining Camp*, illustrate other phases of the Association.

³ Putnam and Ramsey give the documentary material for the political history of the Cumberland settlement. See also Roosevelt, *Winning of the West*, II., ch. xi.

⁴ Roosevelt, II. 366.

social compact in vacant territory, the little settlement of Clarks-ville,¹ farther down the Cumberland, may be instanced. Here on January 27, 1785, a "convention" was held at which eleven men, calling themselves "a majority of the actual settlers of the town," met and asserted their right, in the absence of Congressional government, to make laws not repugnant to the Constitution of the United States, or to the resolves of Congress. They established a tribunal of four magistrates with judicial authority and elected a sheriff to carry out their decisions. The organization continued at least as late as November, 1787. It was the multiplicity of revolutionary associations, and the ease with which they might run into the form taken by the later Vigilance Committees of the far West, that led even so ardent a follower of revolutionary principles as Patrick Henry to declare in 1786, regarding the defenceless condition of the Western frontiers, "that protection, which is the best and grand object of social compact is withdrawn, and the people, thus consigned to destruction, will naturally form associations, disgraceful as they are destructive to government."

Thus the earliest form of government in the region west of the Alleghanies was the Association of the backwoodsmen themselves; but it was soon followed by the attempt of a land company, without governmental sanction, to secure an imperial domain by Indian purchase and to institute a proprietary government. Daniel Boone's Kentucky explorations bore fruit in the formation of the Transylvania Company, January 6, 1775, with Judge Richard Henderson of North Carolina at its head. Among the terms of agreement entered into by the nine proprietors, all of them from North Carolina, one had reference to "sitting and voting as a proprietor and giving rules and regulations for the inhabitants."² The memories of Clarendon and Monk, and the Fundamental Constitutions of John Locke would seem to have taken possession of the mind of the Carolina jurist, and visions of a new palatinatus in the backwoods to have arisen before him. In 1775, this company effected a purchase from the Cherokees of all their lands

¹ Draper Colls., William Clark Papers, I. 103, 105, contain the original minutes of the convention. These collections of the late Dr. Lyman C. Draper, embracing more than four hundred folio volumes of manuscripts on Western history, principally in the Revolutionary period, are the property of the State Historical Society of Wisconsin. These papers are very largely contemporaneous documents, few of which have been published. They constitute a monument to the ability of Dr. Draper as an antiquarian and collector. The present paper is chiefly based upon these documents; and I am indebted to the courtesy of Mr. Reuben G. Thwaites for giving me every facility for using these sources.

² This document and the agreement of the Louisa Company, as well as Henderson's MS. journal, are in Draper Colls., Ky. MSS., I.

between the Ohio, Kentucky, and Cumberland rivers, and including Powell's Valley of eastern Tennessee.¹ This domain was Transylvania.¹ Boone and his riflemen had already blazed the Wilderness Road to Kentucky, and were holding their grounds against the hostile savages. Here too were other bands of settlers, led by Harrod, holding by the tenure of their rifles, and without government. When Henderson arrived, he first opened his land office, and then broached the question of political organization. If ever the Carolina proprietary had been his model, it suffered a forest-change. He writes in his Journal : "The plann was plain and simple—twas nothing novel in its essence. A thousand years ago it was in use, and found by every years's experience to be unexceptionable. We were in four distinct settlements. Members or delegates [should be elected] from every place by free choice of Individuals, they first having entering [*sic*] into writings solemnly binding themselves to obey and carry into Execution such Laws as representatives should from time to time make, concurred with by a Majority of the Proprietors present in the Country." This plan met with the frontiersmen's approval; and Henderson appointed May 23, 1775, for the Convention, and "made out writings for the different towns to sign." Accordingly delegates appeared at this open air convention, six from Boonesboro' and four from each of the other settlements. In his proprietary address, opening the convention, Henderson declared : "If any doubt remain amongst you with respect to the force and efficacy of whatever laws you may now or hereafter make, be pleased to consider that all power is originally in the people," and that the laws "derive force and efficacy from our mutual consent." The backwoods legislators passed laws suited to their needs, which were approved by Henderson, and they entered into a compact with the proprietors, defining their respective rights, and outlining a legislative organization with two chambers for the colony when it should arrive at greater maturity.² By retaining the veto power the proprietors prevented the possibility of legislation adverse to their claims ; but the proceedings of the convention show how far they had deemed it the part of wisdom to make concessions to the spirit of freedom.³ The Transylvania Convention never met again. The governors

¹ The boundaries, with map, are discussed in the *Report of the Bureau of Ethnology, 1883-4*, pp. 148 *et seq.* See Draper Colls., Ky. MSS., I. (A). The boundaries are approximately shown in the map accompanying this paper.

² The Journal of the Proceedings is printed in Collins, *Kentucky*, II. 501.

³ For Powell's Valley Henderson prepared a form of government, with a separate assembly, for the reason that it was too remote to share in the legislature in Kentucky. It does not seem to have been put into operation. Draper Colls., Ky. MSS., I. (A).

of Virginia and of North Carolina denounced the company in proclamations, and felt the greatest indignation over this "infamous Company of Land Pyrates" that had infringed the Earl of Granville's proprietary.¹ But the days of proprietaries, English and American, were numbered. The Revolution had begun, and in the fall of 1775, the Transylvania proprietors, at a meeting in North Carolina, delegated James Hogg, one of their number, to represent them in the Continental Congress, and to present to that body a memorial desiring Congress to take the infant colony under its protection.² The correspondence of this proprietor in January of 1776, from Philadelphia, enables us to see how Congress received the news of this attempt.³ Mr. Hogg writes that he found the two Adamses friendly, but unwilling to act without the prior consent of Virginia. Jefferson, he said, expressed the wish to see a free government established at the back of Virginia, properly united with them, and desired it to extend westward to the Mississippi, and on each side of the Ohio to their charter line; but he would not consent to Congressional action, until the proposition had the approval of the Virginia convention. Deane, of Connecticut, held out hopes of a considerable migration⁴ from that state, and wrote a long letter⁵ advising Transylvania to follow Connecticut ideals of government. He pointed out that Connecticut began with a voluntary compact of government, and governed under it until their charter of 1662. "You would be amazed," wrote Hogg, "to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we make it a free government, and beg that no mercenary or ambitious views in the proprietors may prevent it. Quit-rents, they say, is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition, if we do not act upon liberal principles when we have it so much in our power to make ourselves immortal. Many of them advise a law against negroes."

But Harrod's party in Kentucky petitioned Virginia to take the settlements under her protection, complained against the price of

¹ Foote, *Sketches*, 49; *North Carolina Colonial Records*, X. 273, 323.

² *American Archives*, IV. 553; *N. C. Col. Recs.* X. 256; Hall, *Sketches of the West*, II. 223.

³ *N. C. Col. Recs.* X. 300, 373; *4 Am. Archives*, IV. 543.

⁴ On November 12, 1775, Governor Martin, of North Carolina, reported a rumor to Lord Dartmouth that Hogg was negotiating with two thousand Connecticut people to settle in Transylvania. This was not at all impossible. Compare *Am. Hist. Association Rep.*, 1893, p. 333, and *Canadian Archives*, 1890, pp. 103, 156.

⁵ *N. C. Col. Rec.* X. 300; *4 Am. Archives*, IV. 556.

lands fixed by Henderson, denounced the action of the Transylvania convention, as having been "overawed by the presence of Mr. Henderson," and closed by requesting that if Virginia believed their case more properly belonged to the Continental Congress, she should recommend her delegates to espouse it there.¹ The proprietors, in their reply, scouted as absurd the idea that they had desired to erect a separate government within the limits of another, and declared that the measures of the Transylvania convention were intended as mere temporary by-laws for the good of their little community, and which the necessities of the case justified. This was hardly in keeping with Henderson's address to the Transylvania convention. "You," he had assured his backwoods listeners, as they stood about him under the mighty elm that made the legislative hall, "You are placing the first corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation." But though the proprietors were now ready to yield the glory of commonwealth-builders, for the more substantial benefits of the quit-rents, Virginia annulled their title, at the same time compensating them in part with a grant of 200,000 acres.

The settlers, left to their own devices, held a meeting at Harrodsburg in the summer of 1776, and sent George Rogers Clark and a companion as delegates to the Virginia Assembly. Clark, it is said, had desired the people to choose agents with general powers to negotiate with the governor of Virginia, and if abandoned by that state, to employ the lands of the country as a fund to obtain settlers, and establish an independent state; but he was overruled;² and in 1777 Virginia organized this "respectable Body of Prime Riflemen," as, in their petition, they denominated themselves, into a county with the boundaries of the present Kentucky.

In the meantime the region of the Vandalia company and western Pennsylvania had become the scene of a new state project. Pennsylvania and Virginia had a boundary dispute involving the possession of the headwaters of the Ohio, and particularly the region between the Youghiogheny and the Ohio. In this tract, at the opening of the Revolution, settlers from these rival states disputed the ownership of the same pieces of land, rival local organizations covered the same territory, and the partisans of the Old Dominion and the adherents of the Quaker state called each other a "horde of banditti" with reciprocal

¹ *4 Am. Archives*, VI. 1528.

² Butler, *Kentucky*, 38 (2d edition).

vehement. The anarchical conditions kept the settlers in continual excitement and prevented their union against the Indians, and even threatened interstate war in the midst of the struggle against England. The inhabitants of this country, "Miserably distressed & harrassed and rendered a scene of the most consummate Anarchy & Confusion," circulated a memorial to Congress shortly after the Declaration of Independence, asking organization as a new state.¹ Between the claims of the Indiana and Vandalia companies, and the contentions of Virginia and Pennsylvania, they were all at sea respecting their property rights, and they felt themselves in a more deplorable condition than "whilst living on the poor, barren, rented lands in their respective provinces below." They recounted their incessant struggles against the Indians. "Tho' neither politicians nor orators," said they, "we are at least a rational and Social People, inured to Hardships & Fatigues, & by experience taught to despise Dangers and Difficulties." They protested that having immigrated from almost every province of America, "brought up under and accustomed to various different, & in many respects discordant & even contradictory systems of laws and government," and "having imbibed the highest and most extensive ideas of liberty," they will "with Difficulty Submit to the being annexed to or Subjugated by (Terms Synonomous to them) any one of those Provinces, much less the being partitioned or parcelled out among them"; nor will they submit "to be enslaved by any set of Proprietary or other Claimants, or arbitrarily deprived and robbed of those Lands and that Country to which by the Laws of Nature & of Nations they are entitled as first Occupants, and for the possession of which they have resigned their All & exposed themselves and families to Inconveniences, Dangers, & Difficulties, which Language itself wants Words to express & describe." With especial vehemence these frontiersmen deny that they will endure the loss of their rights "whilst the Rest of their Countrymen, softened by Ease, enervated by Affluence and Luxurious Plenty & unaccustomed to Fatigues, Hardships, Difficulties or Dangers, are bravely contending for and exerting themselves on Behalf of a Constitutional, national, rational & social Liberty." By population and territory they believed that they were justified in demanding independent statehood. West of the Alleghanies, on the tributaries of the Ohio above the Scioto, they reported 25,000 families. The seat of

¹ Mr. Frederick D. Stone, of the Pennsylvania Historical Society, discovered this memorial. It is printed in Cumrine's *History of Washington County, Pennsylvania*, 187.

government, whether under Virginia or Pennsylvania, was four or five hundred miles distant, and "separated by a vast, extensive and almost impassable Tract of Mountains, by Nature itself formed and pointed out as a Boundary between this Country & those below it." They therefore appealed to the Continental Congress as "the Guardians, Trustees, Curators, Conservators, & Defenders of all that is dear or valuable to Americans," to constitute them a distinct and independent province and government, by the name of Westsylvania, "a sister colony and fourteenth province of the American confederacy." The bounds of the prospective state included most of Pennsylvania beyond the Alleghanies, West Virginia, and eastern Kentucky.¹ Although Westsylvania did not receive the sanction of Congress, the project for a state in that region was too well founded to die out, as the history of the state of West Virginia proves. During the heat of the Revolution the movement had a moment of lull, but the backwoodsmen kept in mind the actions of Congress in this period; and as the two movements are mutually interpretative, we must turn briefly to recall the actions of Congress in the years succeeding.²

In the fall of 1777, Maryland tried vainly to induce Congress to assert the power to limit the states which claimed to the Mississippi, and to lay out the land beyond the boundary thus fixed into separate and independent states. The little landless states, Maryland, Rhode Island, New Jersey, and Delaware, made repeated efforts in the next two years to secure to Congress the possession of the back lands, though Maryland alone continued a consistent opposition to allowing the jurisdiction of the region involved to remain with the claimant states. It may have been that New Jersey's interest was quickened by the strength which the Indiana company had in that state, through the efforts of

¹ See the map. The boundary ran as follows: "Beginning at the Eastern Bank of the Ohio, opposite the mouth of the Scioto, & running thence in a direct line to the Owasito Pass [Cumberland Gap], thence to the top of the Alleghany Mountains thence with the Top of the said Mountains to the northern limit of the purchase made from the Indians in 1768, at the Treaty of Fort Stanwix, thence with the said limits to the Alleghany or Ohio River, and thence down the said River as purchased from the said Indians at the said Treaty of Fort Stanwix to the Beginning." For the Fort Stanwix line, see *N. Y. Col. Docs.*, VIII. 136, 137, with map.

² Only such a view of Congressional action is here given as suffices to show the relation of this action to the plans of the Westerners. See for convenient summaries: Hinsdale, *Old Northwest*, chs. xii.-xiv.; Barrett, *Evolution of the Ordinance of 1787*; Adams, *Maryland's Influence on the Land Cessions*; Stone, *Ordinance of 1787*. Documentary material is in *Journals of Congress*, and *Secret Journals of Congress, Domestic*, 372, 377, 428, 433; *Secret Journals, Foreign Affairs*, III. 161 (1821); Hening, X. 549; Gilpin, *Madison Papers*, I. 122; Thomson Papers, in *N. Y. Hist. Soc. Colls.*, 1878, p. 100.

Col. George Morgan of Princeton, the active agent and promoter of the company, and through the number of New Jersey men interested in these land speculations. On September 14, 1779, memorials from the Vandalia and Indiana companies were presented to Congress,¹ protesting against Virginia's claim to lands beyond the Alleghanies, and asking an investigation of their claims. About a year later,² Congress recommended to the states a liberal cession of their Western lands to the Union; and, on October 10, 1780, resolved that the unappropriated lands that might be thus ceded should be "disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal union, and have the same rights of sovereignty, freedom, and independence as the other states; that each state which shall be formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit." These resolutions came at a time when the Westerners were petitioning Congress for such action,³ and in their turn they were circulated throughout the frontier and stimulated action. Shortly after their passage George Morgan wrote to a Kentucky friend,⁴ that all the country west of the Alleghanies would probably be put under the direction of the United States, and Virginia limited to the waters which fall into the Atlantic. In this case, he thought, several new states would be established, "independent, though united with our present Confederacy of Thirteen," and he promised to send to his correspondent a "pamphlet now in the press on this subject." Within a few weeks⁵ Paine's *Public Good* appeared with an elaborate attack on the trans-Alleghany claims of Virginia, and with its proposition that Congress should create a new state to include the Vandalia area, and an additional slice of the Kentucky territory.⁶ Paine was accused of receiving compensation from the Indiana company

¹ *Journals of Congress*, of that date. Cf. Franklin, *Works*, X. 346 (1888).

² September 6, 1780.

³ Besides the Transylvania and Westsylvania petitions, already mentioned, see Kentucky petition of May 15, 1780, in Roosevelt, *Winning of the West*, II. 398, and the projects of western Pennsylvania to be noted later.

⁴ Draper Colls., Clark MSS., L. 76.

⁵ The letter was written December 1; Paine's *Public Good* was published December 30, 1780.

⁶ See the map. The state's boundaries were to be the Alleghanies, the Ohio as far north as the Pennsylvania line, thence down the Ohio to its falls, thence due south to the latitude of North Carolina's line, and thence east to the mountains again. Conway, *Writings of T. Paine*, II. 62, 63.

for this pamphlet,¹ and it may have been the one which Morgan expected to distribute as campaign literature in the West.

In 1780 Pennsylvania and Virginia agreed on a proposition for running a temporary boundary line, and for settling land titles on either side of the boundary by the test of priority of occupation. But the running of the line was much delayed, so that not until 1782 was the southwest corner of Pennsylvania definitively fixed by the two states. In the interval the Virginia men who found themselves likely to come under Pennsylvania's jurisdiction were active in proposing a new state. Questions of taxation, land fees, and the dislike of accepting the test of priority for their claims were some of the reasons for discontent.² As early as May, 1780, new state meetings were projected in the region,³ and in the fall of the same year, some of the Virginia partisans drew up a memorial to Congress, urging that body to encourage the settling of "the Western World," by the formation of a new state with such limits as should seem best to Congress. They complained of their distance from the parent states on the east; and of the almost impassable mountain barrier in that direction; while in the opposite direction flowed the Western Waters, offering an outlet for the produce of their fertile lands, could they but have a trade established on those waters. "When we consider our remote situation," say they, "we cannot but reflect that such a distance renders our Interest incompatible; for when any part of a State lies so remote from its Capital that their produce cannot reach the market, the Connection ceases, & from thence proceeds a different Interest & consequently a Coolness." Taxation on equal terms with their Eastern fellow-citizens was also a grievance, for, with no staple commodity that they could send to the capital, or any other seaport, they could not secure the specie for paying the tax. "But," say they, with an idealism common to the West, "were we a separate state, a Trade on the Western Waters undoubtedly would be opened for our relief." They advanced the doctrine, inconsistent with the Articles of Confederation (and possibly derived from their construction of the resolutions of Congress of September and October), that "our Union declares when any state grows too large or unwieldy, the same may be divided into one or more States; that the people have a right to emigrate from one state to another and

¹ Draper Colls., Clark MSS., XI. 10, cites *Virginia Gazette*, April 6, 1782, and *Maryland Journal*, April 2, 1782, to the effect that the company gave Paine a deed for 12,000 acres. Conway, *Life of Paine*, argues against the charge.

² Others are mentioned in *Cal. Va. State Papers*, III. 630, 631, 135.

³ *Hist. of Washington County, Penna.*, 232.

form new states in different Countries, whenever they can thereby promote their own Ease & Safety." In addition, they remind Congress of the King's Proclamation of 1763, and the Vandalia grant, and ask Congress carefully to investigate all the charters, and, "candidly determine all such Matters and Things as so nearly concern any of the subjects of America & which tend to sap & undermine the Liberty of the People."¹ Nor was it only the friends of Virginia that were considering independent statehood. The Congressional resolutions mentioned were regarded in western Pennsylvania as applying to that state, as well as to the states whose claims ran to the Mississippi. In Westmoreland County apprehensions were aroused, lest, if Pennsylvania should cede its unappropriated area, this county would be retained by the parent state; for, though west of the Alleghanies, they were more thickly populated. "If the unappropriated parts of the country are relinquished," wrote Thomas Scott,² who went from that district to Congress in 1789, and who was familiar with the views of the settlers, "we must go with it, or Else we shall remain a people dependent on Pennsylvania, Remote in situation, different in Interests, few in number, and forever prevented of future groath." The agitation continued through 1781 and 1782, sometimes taking the form of propositions to cross the Ohio and establish a new state near the Muskingum.³ The Virginia settlers refused to pay taxes, and drove off the Pennsylvania assessors. Besides their uncertainty to whom their taxes were rightfully due, and whether by a new state movement they might not evade them altogether, they found it a peculiar hardship to pay their taxes in specie.⁴ To repress these agitations, Pennsylvania enacted a law in 1782, reciting that the unlocated lands were pledged as a fund for extinguishing her obligations to the former colonial proprietors, and declaring any attempt to establish a separate state within her

¹ Draper Colls., Shepherd Papers, I. 177, 179, B. Johnston to Colonel Shepherd, enclosing a draft of the memorial. The letter was begun in October and sent in November, 1780.

² Scott to President Reed, of Pennsylvania, January 24, 1781. *i Penna. Archives*, VIII. 713.

³ *Washington-Irvine Correspondence*, 231, 233, 109, 244, 266; *i Penna. Archives*, IX. 233, 519, 572, 637, 662; McMaster, III. 98. Kentucky settlers projected a movement across the Ohio in 1780 and petitioned Congress for permission. *Archives of Continental Congress*, XLVIII. 245, 247.

⁴ Compare the grievances of the same region in the Whiskey Rebellion. The lack of specie has always been a frontier complaint. In 1783 Virginia allowed her western settlers to pay one-half their taxes in frontier commodities; the state of Franklin made out a schedule of the specie value of commodities acceptable for taxes and salaries, including linen, beaver skins, raccoon skins, bacon, beeswax, and good rye whiskey.

borders high treason, punishable by death.¹ Early the next year, the authorities sent the Rev. James Finley, a prominent Scotch-Irish Presbyterian, who had preached among the Westerners, to investigate matters and allay the disturbance.² He found a particularly important field for his efforts among the clergy of his own denomination; for here, as in other localities, these preachers were promoting the idea of independence and the compact organization of the state. One of the arguments which Finley had to meet was the way in which the Puritan colonies had been established.

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¹ *Laws of Pennsylvania*, II. 60 (edition of 1810).

² *Penna. Archives*, IX. 729; X. 163, 40, 41. He recapitulates the arguments with which he met the demands for statehood.

(*To be continued.*)